PACIFIC COAST FEDERATION of FISHERMEN'S ASSOCIATIONS

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Mr. Paul A. Marshall
California Department of Water Resources
1416 Ninth Street, 2nd Floor
Sacramento, CA 95814

RE: Opposition to the South Delta Improvements Program Draft Environmental Impact Statement/Environmental Impact Report

Dear Mr. Marshall:

The Pacific Coast Federation of Fishermen's Associations (PCFFA), representing working fishing men and women in the West Coast commercial fishing fleet, respectfully requests you to stop implementation of the South Delta Improvements Program (SDIP) and order the withdrawal now of the EIS/EIR for this project. We ask this because the we find the foundation for this program to further increase diversions from the San Francisco Bay/Sacramento-San Joaquin Delta ecosystem to be fatally flawed and will result in further and significant damage to the most important estuary on the West Coast of North and South America.

The San Joaquin and Sacramento Rivers were once home to one of the largest Chinook salmon runs on the west coast – second only to the Columbia/Snake River system in the lower 48. In the early part of the 21st century, salmon were not counted but weighed by the tens of thousands. By the late nineties due in part to water allocation, dams, pumping stations and obstacles, many runs of steelhead and some Chinook salmon populations (i.e., winter and spring-run) were down to the hundreds. Under the guise of the improving the declining Bay Delta, the SDIP allows for further modifications and allocation of Delta waters, actually ncreasing pumping capabilities, subsequently allowing for the removal of more water instead of he return, furthering the current trend of providing little water to the Delta's important estuary nd resources.

Fifteen years ago the State Water Resources Control Board (SWRCB) issued a draft rder for water quality in the Bay and Delta finding the system at that time suffering an average nnual deficit of 1.6 million acre-feet of freshwater inflow. That deficit has never been ldressed. The Central Valley Project Improvement Act (CVPIA) was to provide for half of that ficit with its allocation of 800,000 acre-feet under (b)(2) of the act, but seldom has any of that

flow for the environment (when it has been provided) found its way all the way to the Bay for purposes of maintaining and restoring the most important estuary on the west coast of North and South America. Instead or helping to reduce the inflow deficit, the SDIP will exacerbate it!

At the Sacramento Public Hearing for the Draft Environmental Impact Report/ Environmental Impact Statement (DEIR/EIS), it was made clear that the three public hearings would focus on Stage 1, the physical components of the SDIP and at a later time, public comments would be taken on the operational component. The DEIR/EIS states:

> *No decision regarding the operational component of the SDIP will be made during the Stage 1 process.* Two paragraphs later the document goes on to say: *DWR and Reclamation will issue the necessary supplemental document for CEQA and NEPA compliance explaining the preferred operational component, the rationale for its selection, and any additional environmental effects. This document would be available for public comment and review for a period of at lest 45 days, consistent with CEQA and NEPA, and will provide opportunity for the public to submit additional comments on the environmental analysis of the operational component of the SDIP.* And then lower down in the paragraph: *In any decision for Stage 2, DWR will state in the Notice of Determination that DWR has relied in part upon the SDIP EIS/EIR certified in Stage 1 and intends that those aspects of the SDIP EIS/EIR relied upon in the Stage 2 decision will be subject to further judicial review (ES-9).*

These two paragraphs highlight the importance of weighing in on the Stage 1 process for the operational component of the project. For while sentence the first sentence states, "No decision regarding the operational component of the SDIP will be made during the Stage 1 process," the sentence is later contradicted by the sentence, " In any decision for Stage 2…DWR has relied in part upon the SDIP EIS/EIR certified in Stage 1…" The importance of the Stage 1 public review process to analyze the operational component Stage 2 is downplayed in the document and was downplayed at the public hearings. Stage 1 needs to be stopped, for while Stage 1 does not address the operational component, Stage 1 constructs and readies the delta for Stage 2 and increased pumping.

Despite it sounding like there will be hefty time for public review of Stage 2, as shown in Figure ES-3, the selection process for the preferred Operational component begins as soon as the structural components are in for Stage 1. The process timeline by which the DEIR/EIS for the SDIP is reviewed should be re-examined and the public should be given more than the allotted 90 days to review this large DEIR/EIS document and more than the allotted month and fifteen days to review the operational component which will begin increasing the amount of water pumped from the Delta by 27%.

The commercial salmon fishing fleet no longer relies on the Chinook salmon of the San Joaquin; the once abundant spring-run of that system were made extinct by the operations of the Friant Unit of the CVP. But the potential to bring back the once abundant runs is there and the need to

ensure that there is adequate water in the San Joaquin and Sacramento Rivers and the Bay-Delta to bring back those runs is of utmost importance. Along with the spring and winter The runs of Chinook salmon, the Delta River Smelt, are on the verge of extinction and the Striped Bass and steelhead are in serious decline.

As stated in chapter 6, 6.1, **Southern Oregon/northern California Coasts** Coho Salmon are listed threatened under ESA and CESA, **Sacramento River** winter-run Chinook Salmon are listed threatened under the ESA and CESA, **Central Valley** spring-run Chinook salmon are listed threatened under the ESA and CESA, **Central Valley** steelhead are listed threatened under the ESA, **Central Valley** fall/late-fall run Chinook salmon are candidates for listing under the ESA, the delta smelt are listed threatened under the ESA and CESA and the green sturgeon is proposed threatened under the ESA.

It is acknowledged in the South Delta Improvements Program Draft Environmental Impact Statement/Environmental Impact Report that Alternative 2A, Stage 2 (Operational Component) will affect fish. Page 6.1-74 of the report states, "Changes in flow diversions may affect fish and fish habitat in the reaches of the Trinity, Sacramento, Feather, American and San Joaquin Rivers and the Delta Suisun Bay."

Mitigation measures MM-1, MM-2 and MM-3, which are supposed to mitigate entrainment-related losses for Alternative 2A, Stage 2, do not adequately mitigate the significant actions of Alternative 2A Stage 2 to a less than significant impact for Chinook salmon and Delta Smelt. The mitigation measures for Alternative 2A, Stage 2 are the mitigation measures that are referenced for the other alternatives (besides Alternative 1, the no action alternative). Mitigation measure MM-1 for Alternative 2A Stage 2 does not reduce current pumping levels. Instead the delta is being pumped at the current maximum capacity 6,680 cfs, at a time when late/fall Chinook should be receiving more water for their migrations, not less. The SDIP does not reduce pumping levels, it increases pumping levels. It is already shown that Chinook salmon and delta smelt are suffering at current 2005/2006 export levels. It will not help to pump at current maximum levels, raise the maximum pumping level by 1,820 cfs to 8,500 cfs, and then conclude that the effects of additional pumping on entrainment casualities is mitigated because pumping levels will be "reduced" back to the current maximum pumping capacity of 6,680 cfs during crucial migration periods. There are no actual mitigations occurring. Instead the Bureau and DWR are proposing to keep pumping levels at the already high, current maximum capacity of 6,680 cfs during periods when fish are susceptible to entrainment. Instead of reducing pumping levels to assist fish, the Bureau and DWR are proposing to increase pumping from the delta for the rest of the year and keep pumping levels at the high 6,680 cfs during crucial migration periods.

Mitigation measure MM-2 for Alternative 2A, Stage 2, which mitigates entrainment-related losses of Juvenile Winter-and Spring-Run Chinook Salmon due to increased pumping from March 1-April 14 and May 16- may 31 and mitigation measure MM-3, which mitigates entrainment related losses for Delta Smelt due to increased pumping, do not reduce current

pumping levels. Instead, like for mitigation measure MM-1, the delta is being pumped at the current maximum capacity 6,680 cfs, at a time when pumping needs to be reduced to encourage survival rate of Chinook salmon and Delta Smelt and reduce fish loss due to entrainment.

Flows to the Delta have been incredibly low and the alarm has been sounded since the 80's that the San Francisco Bay and delta are not functioning healthily. A comprehensive plan that will find a way to restore water to the Delta and its associated rivers, rather than pump more water from a suffering ecosystem, is what the Delta so desperately needs. The South Delta Improvements Program, a plan which will increase the pumping capacity by 27%, is exactly the kind of plan that will not work to bring about the ecological recovery of the most important estuary west of the Mississippi. Please scrap the SDIP and introduce a new program that will protect the beneficial uses of the Bay-Delta estuary.

With 14,000 pages of testimony and 44,000 pages of exhibits supporting that testimony, the State Water Resources Control Board Bay-Delta water rights/water quality hearings of 1987-1988 and the resulting Draft Water Rights/Water Quality Order for the Bay-Delta that was released 30 October 1988, should be used as a model for further plans pertaining to the Bay-Delta. This order called for an additional 1.5-1.6 million acre feet more of freshwater to reach the Bay-delta estuary each year to bring back a declining but very important ecosystem both economically and environmentally to the state of California.

Thank you for the opportunity to comment on this document. If you have any questions please do not hesitate to contact our offices.

Sincerely,

W.F. "Zeke" Grader, Jr.
Executive Director